IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6551 OF 2002

Shri Dilip Pundlik Khartadkar, .. Petitioner.

Vs

State of Maharashtra & Ors. .. Respondents

Mr R.K.Mendadkar, for the petitioner.
Mr R.M.Patne, AGP for the respondents.

CORAM : V.G.PALSHIKAR & D.B.BHOSALE,JJ.
DATE : 16.9.2005.
ORAL ORDER: (PER V.G.PALSHIKAR, J.)

1. Heard learned counsel for the parties.

2. By this petition, the petitioner has challenged the order dated 7.11.1997 passed by the Committee for Scrutiny & Verification of Tribe Claims, Nagpur and consequentially the chargesheet issued to the petitioner by the Hindustan Petroleum Corporation Ltd.

3. The main contention is that the order passed by the Committee is without jurisdiction as the Resolution dated 23.1.1985 did not confer the power on the Committee to decide claims of caste made by employees of other undertakings than the government undertakings. This fact is further fortified by the Resolution of the government passed on 11.6.1998 whereby specifically this

jurisdiction was conferred on the Committee.

4. On the date on which the impugned order was made, the Committee had no jurisdiction to scrutinise the caste claim of the petitioner. There is, therefore, no reason why it can stand. The consequence of that order was issuance of the chargesheet which also must fail. It is, however, made clear that the Hindustan Petroleum Corporation Ltd still has a right to get the certificate verified if it is so desired.

5. In the result, the writ petition succeeds and is allowed. The impugned order and the chargesheet are set aside. Rule made absolute accordingly. There shall be no order as to costs.

(D.B.BHOSALE, J.) **(V.G.PALSHIKAR, J.)**

HIGH COURT
CIVILI APPELLATE SIDE

WRIT PETITION NO.6551 OF 2002

Date of Judgment:

September 16, 2005

For approval and signature

THE HON'BLE MR.JUSTICE V.G.PALSHIKAR.

THE HON'BLE MR.JUSTICE D.B.BHOSALE.

1. Whether Reporters of Local Papers may be allowed to see the judgment?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the Judgment?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any Order made thereunder?

5. Whether it is to be circulated to the Civil Judges?

6. Whether the case involves an important question of law and whether a copy of the judgment should be sent to Nagpur Aurangabad or Goa offices?